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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,204	02/13/2006	Robert Albertus Brondijk	NL031029	6178
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EXAMINER				
HINDI, NABIL Z				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
12/05/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/568,204

**Applicant(s)**

BRONDIJK, ROBERT ALBERTUS

**Examiner**

NABIL Z. HINDI

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

In response to applicant's amendment and RCE filed on November 25, 2008. The following action is taken:

Applicant's amendment to claim 1 broadened the claimed invention by deleting the limitation "DVD" and now read on any data medium.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recite the newly added limitation "information is stored including one fragment of written information contained within at least one other fragment of written information". It is not clear of what the limitation implies, does it refer to a fragment being the same within another fragment, or the information fragments are interleaved, , It is not clear how a fragment of information is contained within another information fragment without having interference. Claim 5 recite the limitation "hierarchical fragment". However such limitation is a common within the art. The limitation is merely interpreted as any terminology such as data, information, first data ...etc.

The examiner is relaying on the specification is reading the claimed invention. The limitation "hierarchical fragment" is merely a multi session recording on the disk wherein each session having a lean-in, program area and a lead-out area. Such session recording is known in the art when data recording is not "closed".

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuroda (6370091) in view of Ito et al (6243340)

The examiner interprets the newly added limitation in the claim as a session recording wherein a data session having a lead-in, program area and a lead-out area is within another recording information fragment within the program area (user data area). The primary reference shows a multi layer disk having first and second layers wherein the data capacity on the first layer is substantially the same on the second layer as shown in figs 3B, 3C, 5 and 10. However the primary reference does not disclose the use of a session recording. Applicant's attention is drawn to fig 4 of the secondary reference showing a data fragment 401 or 404 within a data fragment 400 for what is called session recording on the disk for the purpose of compatibility of the data format on the disk with the reading and recording device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of the secondary reference and modify the primary reference. Such modification of recording fragment within a fragment (session recording) is well established in the art for the purpose of updating the data recording during a non finalized data recording state and maintaining compatibility of the disk format with various disk reading and recording devices.

With respect to the limitations of claims 2 and 3 see the cited figures showing a multi layer disk recording and reading apparatus.

With respect to the limitation of claim 4. The claim read on session recording on a multi layer disk the primary reference discloses the use of a multi layer disk. The secondary reference discloses a session recording. Thus it is obvious to one of ordinary skilled in the art to increase the data volume on the disk by duplicating the data capacity when recording on a multi layer disk.

With respect to the limitations of claims 5-7. The claim read on a session recording. Such is shown in the secondary reference and obvious under 103 rejection as stated above.

With respect to the limitations of claims 8 and 9. the secondary reference discloses the use of session recording. The session data contains data such as lead-in and lead-out data which indicates if a session address data is recorded or not see fig 5. thus such limitation is obvious to one skilled in the art since session recording is well established in the art to have a non-recorded session data or recorded session data based on the address data within the lead-in and lead-out area.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (7274638) in view of Ito et al (6243340)

The primary reference shows a multi layer disk having first and second layers wherein the data capacity on the first layer is substantially the same on the second layer as shown in figs 5A, 5B and 6A-6C layers L0, L2 and layers L1, L3. However the primary reference does not disclose the use of a session recording. Applicant's attention is drawn to fig 4 of the secondary reference showing a data fragment 401 or 404 within a data fragment 400 for what is called session recording on the disk for the purpose of compatibility of the data format on the disk with the reading and recording device. It would have been obvious to one of ordinary skilled in the art at the time the invention was made to use the teachings of the secondary reference and modify the primary reference. Such modification of recording fragment within a fragment (session recording) is well established in the art for the purpose of updating the data recording during a non finalized data recording state and maintaining compatibility of the disk format with various disk reading and recording devices.

With respect to the limitations of claims 2 and 3. The primary reference disclose the use of a buffer area and the method recordable DVD with multi layer.

With respect to the limitation of claim 4. The claim read on session recording on a multi layer disk the primary reference discloses the use of a multi layer disk. The secondary reference discloses a session recording. Thus it is obvious to one of ordinary skilled in

the art to increase the data volume on the disk by duplicating the data capacity when recording on a multi layer disk.

With respect to the limitations of claims 5-7. The claim read on a session recording. Such is shown in the secondary reference and obvious under 103 rejection as stated above.

With respect to the limitations of claims 8 and 9. the secondary reference discloses the use of session recording. The session data contains data such as lead-in and lead-out data which indicates if a session address data is recorded or not see fig 5. thus such limitation is obvious to one skilled in the art since session recording is well established in the art to have a non-recorded session data or recorded session data based on the address data within the lead-in and lead-out area.

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 7448086.

Any inquiry concerning this communication should be directed to NABIL Z. HINDI at telephone number (571) 272-7618.

/NABIL Z HINDI/

Primary Examiner, Art Unit 2627